

15193. Adulteration and misbranding of canned spinach and canned mustard greens. U. S. v. 27 Cases * * * (and 4 other seizure actions). (F. D. C. Nos. 27136, 27168 to 27171, incl. Sample Nos. 29061-K, 29687-K, 29688-K, 29690-K, 29691-K, 38410-K.)

LIBELS FILED: April 28 and May 16, 1949, District of New Mexico.

ALLEGED SHIPMENT: On or about February 17, 1949, by the L. H. Moore Canning Co., from Edinburg, Tex.

PRODUCT: 840 cases, each containing 24 1-pound, 2-ounce cans, and 27 cases, each containing 48 10-ounce cans, of spinach; and 87 cases, each containing 24 1-pound, 2-ounce cans, of mustard greens, at Las Vegas, Gallup, Albuquerque, and Santa Fe, N. Mex.

LABEL, IN PART: (Can) "Gold Inn Brand Spinach * * * Packed by Meyer Canning Co. Edinburg, Texas," "Marshall Seal Spinach," and "Marshall Seal Mustard Greens."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of decomposed substances.

Misbranding, Section 403 (g) (1), the articles failed to conform to the definitions and standards of identity for canned spinach and canned mustard greens since they had not been sealed in containers and so processed by heat as to prevent spoilage.

DISPOSITION: November 14, 1949. The Meyer Canning Co., Edinburg, Tex., having entered an appearance and consented to the entry of decrees, judgments were entered and the court ordered that the mustard greens and a portion of the spinach be condemned and destroyed.

The remainder of the spinach, consisting of 285 cases and 19 cans coded "SPA7N," was found to be fit for food and was ordered by the court to be distributed to charitable institutions.

TOMATOES AND TOMATO PRODUCTS*

15194. Adulteration and misbranding of canned tomatoes. U. S. v. 1,550 Cases * * * (and 1 other seizure action). (F. D. C. No. 27326, 27328. Sample Nos. 5956-K, 48388-K.)

LIBELS FILED: June 14 and 15, 1949, Eastern District of Pennsylvania and District of Massachusetts.

ALLEGED SHIPMENT: On or about March 24 and April 5, 1949, by A. W. Sisk & Son, from Andrews, Md.

PRODUCT: Canned tomatoes. 1,550 cases at Philadelphia, Pa., and 114 cases at Worcester, Mass. Each case contained 24 1-pound, 3-ounce cans.

LABEL, IN PART: "Pine Cone Brand Tomatoes * * * Albert W. Sisk & Son Distributors Not Manufacturers."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes because both lots showed a low drained weight as determined by the sieve test set forth in the standard, and they contained excessive tomato peel; the Philadelphia lot contained excessive blemishes; and the labels on both lots failed to bear the substandard legend.

DISPOSITION: July 12, 1949. Sewell L. Simmons, Andrews, Md., claimant for the Philadelphia lot, having consented to the entry of a decree, judgment of

*See also Nos. 15154, 15155.